

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Patent Application No. 09/840,824

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Upon entry of this Amendment, claims 1-9 and 12 are pending in the application. In response to the March 23, 2004 Office Action, Applicant respectfully submits that the pending claims define patentable subject matter.

Claims 1-3 and 7-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by newly cited Peter et al. (USP 4,244,415; hereafter “Peter”). Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Peter. Claims 6 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Peter in view of newly cited Aoki et al. (USP 5,431,208; hereafter “Aoki”). Applicant respectfully submit that claimed invention would not have been anticipated by or rendered obvious in view of Peter.

With regard to the rejections based on Peter, the Examiner takes the position that the claimed pair of cross belt members reads on the superimposed cord fabric layers 4 of Peter’s tire, wherein the strength carriers (cords) 7 of the outer cord fabric layer 4 extend in a direction opposite to the cords 7 of the inner cord fabric layer 4 (see Figs. 1 and 2 of Peter). By this Amendment, Applicant has amended independent claims 1-3 to recite that the claimed invention is directed to a “method of mounting a pneumatic radial motorcycle tire”, and the pair of cross belt members are “arranged on an outer circumferential side of the spiral belt and in parallel to each other in a common curved plane in a circumferential direction of the tire and separated by an opening space, wherein cords of one of the cross belt members extend in a direction opposite

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Patent Application No. 09/840,824

to cords of the other one of the cross belt members with respect to the equatorial plane".

Independent claim 7 has been amended in similar manner.

Applicant respectfully submits that Peter does not teach or suggest the above-described features of the amended claims. In particular, Peter discloses that the cords of cross belt members, which are arranged in parallel to each other in a common curved plane (i.e., the outer cord fabric layer or the lower cord fabric layer), extend in the same direction rather than in opposite directions as required by the claims. Similarly, the other cited references fail to disclose these features.

Accordingly, Applicant respectfully submits that independent claims 1-3 and 7, as well as dependent claims 4-6, 8, 9 and 12, should be allowable because Peter, alone or combined with Aoki, does not teach or suggest all of the features of the claims.

Claims 1-9 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over newly cited Delias (USP 5,301,730) in view of new cited Suzuki (USP 5,795,418) or Armellin (USP 6,244,315). Applicant respectfully submits that the claims would not have been rendered obvious in view of the combined references.

With regard to the rejection based on the combination of Delias and Suzuki or Armellin, the Examiner concedes that Delias does not disclose arranging the cross belt members (i.e., superimposed crown plies 13 and 14) so as to define an opening space. However, the Examiner asserts that:

it would have been an obvious alternative ... to arrange the cross belt members 13, 14 such that they define an opening space as set forth in claim[s 1-3 and] 7 instead of being superimposed since (1) Suzuki ... teaches arranging the cross belt members so as to define an opening space between them (instead of

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Patent Application No. 09/840,824

superimposing the cross belt members) so that the tread shoulder region is reinforced more than the tread central part to thereby prevent collapse of the tread portion during cornering and medium speed cornering becomes stable or (2) Armellin ... teaches that interrupting cross belt members as shown in Figure 4 is an alternative to using axially continuous cross belt members (col. 10, lines 15-20).

Applicant respectfully submits that it is quite clear that Delias, Suzuki and/or Armellin, alone or combined, do not teach or suggest a pair of cross belt members arranged on an outer circumferential side of the spiral belt and in parallel to each other in a common curved plane in a circumferential direction of the tire so as to be disposed on opposite sides of an equatorial plane of the tire and separated by an opening space, as required by claims 1-3 and 7.

Delias discloses a tire which includes a radially inner casing ply 22 and three superimposed crown plies 12, 13 and 14 disposed on the casing ply 22. Both Suzuki and Armellin disclose a pair of cross belt members (i.e., cord reinforcing layers 9 in Suzuki, and strips 9a or 9b in Armellin) arranged on an inner circumferential side of a radially external layer which is axially continuous (i.e., not separated by an opening space). In addition, Armellin does not disclose a tire in which cords of one of the cross belt members extend in a direction opposite to cords of the other one of the cross belt members with respect to the equatorial plane.

Therefore, even if one of ordinary skill in the art would have been motivated to modify the tire of Delias based on the teachings of Suzuki or Armellin, the resulting tire would include a pair of cross belt members (in place of crown ply 13) disposed on an inner circumferential side of a radially external layer (i.e., crown ply 14) which is axially continuous. That is, none of the cited references provide any teaching or suggestion which would motivate one of ordinary skill

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Patent Application No. 09/840,824

in the art to replace the outer crown ply 14 of Delias' tire with a pair of cross belt members arranged in parallel to each other and separated by an opening space.

Accordingly, Applicant respectfully submits that independent claims 1-3 and 7, as well as dependent claims 4-6, 8, 9 and 12, should be allowable because the cited references, alone or combined, do not teach or suggest all of the features of the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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